

#### § 112.44

protective transparent plastic so that both sides are clearly visible.

#### § 112.44 Changes in information on identification cards.

Where there has been a change in the name, address, or employer of the holder, the card shall be promptly submitted by the cardholder to the port director, supported by application in proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

#### § 112.45 Surrender of identification cards.

The identification card shall be surrendered by the holder or licensee to the port director when:

- (a) The employee holder leaves the employment of the licensed cartman or lighterman;
- (b) The cartman or lighterman bond or license is terminated; or
- (c) The card is revoked or suspended pursuant to § 112.48.

#### § 112.46 Report of loss or theft.

The loss or theft of an identification card shall be promptly reported by the cardholder to the port director.

#### § 112.47 Wrongful presentation.

If an identification card is presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

#### § 112.48 Revocation or suspension of identification cards.

(a) *Grounds for revocation or suspension of identification cards.* An identification card issued pursuant to this part may be revoked or suspended by the port director for any of the following grounds:

- (1) Such card was obtained through fraud or the misstatement of a material fact;
- (2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime;
- (3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

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(4) The holder fails to abide by the rules and regulations prescribed in § 112.45 and part 125 of this chapter.

(b) *Notice of revocation or suspension.* The port director shall suspend or revoke an identification card by serving notice of the proposed action in writing upon the holder of the card. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the card and shall be final and conclusive upon the holder unless he shall file with the port director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The holder may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed, in duplicate, and shall set forth the response of the holder to the statement of the port director. The holder in his notice of appeal may request a hearing.

(d) *Hearing on appeal—(1) Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The holder shall be notified of the time and place of hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the card may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the cardholder. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the port director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the holder of the card